

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|---|---|--------------------------|
| James Muhammad (aka James Muhammad Wright); |) | C/A No. 3:06-514-CMC-JRM |
| |) | |
| Plaintiff, |) | OPINION and ORDER |
| |) | |
| v. |) | |
| |) | |
| Taylor Jowers; Robert Milling; Department of |) | |
| Mental Health; and Attorney General |) | |
| Henry McMaster, |) | |
| |) | |
| Defendants. |) | |
| |) | |

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, the complaint filed by Plaintiff, who is proceeding *pro se*, was referred to United States Magistrate Judge Joseph R. McCrorey for pre-trial proceedings and a Report and Recommendation. On April 10, 2006, the Magistrate Judge issued a Report and the matter is now before the court for a ruling.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Based on his review of the record, the Magistrate Judge has recommended that the complaint be dismissed without prejudice and without issuance of service of process for failure to prosecute and failure to comply with orders of the court. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he

failed to do so. Plaintiff has filed no objections to the Report and Recommendation and the time for doing so has expired.

After reviewing the Complaint and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

IT IS HEREBY ORDERED that this action is **DISMISSED** *without prejudice and without service of process*.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
May 30, 2006

C:\temp\notes\FFF692\06-514 Muhammad v. Jowers, et al. - dis wo prej and svc - dmb - failure to prosecute.wpd